

Message Text

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51

ACTION L-03

INFO OCT-01 NEA-14 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03

SWF-02 AGR-20 AID-20 CIAE-00 COME-00 EB-11 INR-11

LAB-06 NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 TRSE-00

CIEP-03 CEA-02 SS-20 NSC-07 INRE-00 SSO-00 NSCE-00

DRC-01 /158 W

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O R 061525Z SEP 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 3747

INFO USMISSION GENEVA

LIMITED OFFICIAL USE NEW DELHI 11899

E. O. 11652: N/A

TAGS: EGEN, UNCTAD, IN

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES

REF: STATE 194439, GENEVA 5599 AND PREVIOUS

1. IN COURSE OF CONVERSATION WITH P.N. DHAR, SECRETARY TO THE PRIME MINISTER, ON SEPTEMBER 5, AMBASSADOR MOYNHAN RAISED COMPENSATION ISSUE AND OUR DIFFICULTIES WITH INDIA'S POSITION ON US GSP.

2. ON SEPTEMBER 6, EMBASSY ECONOMIC OFFICER MADE REPRESENTATION BASED ON POINTS IN GENEVA 5583 TO DEPUTY SECRETARY SOOD IN INTERNATIONAL ORGANIZATIONS DIVISION OF MINISTRY OF EXTERNAL AFFAIRS. SOOD WAS NOT IMMEDIATELY FAMILIAR WITH ISSUES AT HAND OR THE INSTRUCTIONS THAT CHADHA MIGHT BE OPERATING UNDER. HE SPECULATED THAT CHADHA WAS PROBABLY TRYING TO GET ACCEPTANCE OF LANGUAGE THAT WOULD BE CONSISTENT WITH THE INDIAN LAW REGARDING TAKEOVERS (QUOTED BELOW). HE SAID FUNDAMENTAL INSTRUCTION TO INDIAN DELEGATES TO INTERNATIONAL ORGANIZATIONS IS NOT TO GET

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ISOLATED FROM OTHERLDC'S. SOOD PROMISED TO TAKE MATTER UP

WITH AMBASSADOR B.C. MISHRA (PERMANENT REPRESENTATIVE OF INDIA TO THE UN OFFICER IN GENEVA), AND TO GET BACK WITH REPORT TO EMBASSY OFFICER DURING COURSE OF AFTERNOON, SEPTEMBER 6. HE HAS NOT DONE SO AND HAS BEEN UNAVAILABLE TO OUR PHONE CALLS. WE WILL KEEP TRYING.

3. INDIA'S LAW REGARDING TAKEOVERS IS CONTAINED IN THE 25TH AMENDMENT (1971) TO THE INDIAN CONSTITUTION, WHICH AMENDS ARTICLE 31 OF THE CONSTITUTION AS BELOW:

QUOTE: NO PROPERTY SHALL BE COMPULSORILY ACQUIRED OR REQUISITIONED SAVE FOR A PUBLIC PURPOSE AND SAVE BY AUTHORITY OF A LAW WHICH PROVIDES FOR ACQUISITION OR REQUISITIONING OF THE PROPERTY FOR AN AMOUNT WHICH MAY BE FIXED BY SUCH LAW OR WHICH MAY BE DETERMINED IN ACCORDANCE WITH SUCH PRINCIPLES AND GIVEN IN SUCH MANNER AS MAY BE SPECIFIED IN SUCH LAW; AND NO SUCH LAW SHALL BE CALLED IN QUESTION IN ANY COURT ON THE GROUND THAT THE AMOUNT SO FIXED OR DETERMINED IS NOT ADEQUATE OR THAT THE WHOLE OR ANY PART OF SUCH AMOUNT IS TO BE GIVEN OTHERWISE THAN IN CASH. END QUOTE.
SCHNEIDER

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